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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

SHORT, PATRICIA A

ART UNIT	PAPER NUMBER
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1712

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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)		
10/01/201	10/01/201		
Examiner	Group Art Unit		
Sherit	10/01/201		

Art Unit: 1712

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 16-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO '745. The reference teaches thermosetting coating compositions comprising a carboxylic acid functional amorphous polyester prepared from isophthalic acid, a semi-crystalline polyester that has a hydroxyl value as high as 11 mg KOH/g and a curing agent. See page 5, lines 27, examples and claims. The curing agents are inherently reactive with carboxylic acid groups and hydroxyl groups.

Claims 1-5 and 7-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang alone or Chang in view of WO '745 taken further with WO '407. Chang teaches thermosetting coating compositions comprising an amorphous polyester, a semi-crystalline polyester and a curing agent that have improved smoothness, gloss and reduced orange peel. See col. 3, lines 1-3. The amorphous polyester can be hydroxyl functional or carboxylic acid functional and can be prepared from isophthalic acid. See col. 4, line 58 through col. 5, line 5 and col. 5, line 29. The semi-crystalline polyester can be hydroxy functional or carboxylic acid functional. See col. 4, lines 23-39. Crosslinking agents include blocked isocyanates and epoxy resins. See col. 6, lines 1 through col. 7, line 36. Chang does not disclose a combination of

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carboxylic acid functional amorphous polyester and hydroxyl functional semi-crystalline polyester. WO '745 teaches amorphous polyesters prepared from isophthalic acid provide improved resistance to gloss reduction during weathering. See page 11, lines 4-15. WO '407 teaches that acid functional amorphous polyester and hydroxyl functional semi-crystalline polyesters can be used with a blend of suitable crosslinkers to prepare thermosetting coating compositions. See page 4, lines 9-18. As Chang teaches that the amorphous polyester can be carboxylic acid functional or hydroxy functional and the semicrystalline polyester can be carboxylic acid functional or hydroxy functional, it would have been obvious to combine a carboxylic acid functional amorphous polyester prepared from isophthalic acid with a hydroxyl functional semi-crystalline polyester and a curing agent system reactive with the carboxylic acid groups and the hydroxyl groups in order to obtain a thermosetting coating composition having improved smoothness, gloss and reduced orange peel.

Alternatively, in view of WO '745 taken further with WO '407, it would have been obvious to combine a carboxylic acid functional amorphous polyester prepared from isophthalic acid with a hydroxyl functional semi-crystalline polyester and curing agent system reactive with the carboxylic acid groups and the hydroxyl groups in order to obtain a thermosetting coating composition having improved smoothness, reduced orange peel and resistance to gloss reduction during weathering.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-13 and 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered

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indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Claims 11-13 and 18 recite broad ranges followed by narrow ranges.

P. Short

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Phone (703) 308-2395

Fax (703) 872-9310

PATRICIA A. SHORT
PRIMARY EXAMINER

Patricia A. Short